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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92044257
Party	Defendant PORTER INTERNATIONAL CO., LTD. PORTER INTERNATIONAL CO., LTD. 2F, NO. 86, SEC 1, HUAMEI WEST ST. TWX SHI CHIU, TAICHUNG,
Correspondence Address	AOI NAWASHIRO BROWDY & NEIMARK 624 NINTH ST., NW WASHINGTON, DC 20001
Submission	Opposition/Response to Motion
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Date	03/09/2006
Attachments	06-03-09 920443527 P opp to Y mot ext.pdf ( 4 pages )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

YOSHIDA & COMPANY, LTD.	)	
	)	Cancellation No.
Petitioner,	)	<b>92044257</b>
	)	Registration
v.	)	No. 2,131,161
	)	
PORTER INTERNATIONAL CO., LTD.	)	
	)	
Registrant.	)	
	)	

**OPPOSITION TO PETITIONER'S MOTION FOR EXTENSION OF  
TIME TO RESPOND TO DISCOVERY UNDER 37 C.F.R. § 2.120(a)**

Registrant, Porter International Co., Ltd. (hereinafter "Porter" or "Registrant"), hereby opposes Petitioner's Motion for Extension of Time to Respond to Discovery. Petitioner, Yoshida & Company, Ltd. (hereinafter "Petitioner" or "Yoshida") has not alleged any need for the extension. Petitioner's sole alleged basis for its motion is that Petitioner should not be made to serve its responses before Registrant. Petitioner's explanation does not satisfy the requirement of good cause, and Petitioner's motion should be denied.

Porter served its discovery requests on May 27, 2005, and Petitioner served its requests on June 2, 2005. Thus, Porter's responses would have originally been due after Yoshida's in this case (and in the related cancellation proceeding No. 92044091). However, in the related opposition proceeding No. 91163527 between the same parties, Petitioner had served its requests on May 2, 2005, before Porter served its requests, and in that case, Porter's responses would have been due before Yoshida's. Thus, in an effort to simplify matters, the parties had

reached an agreement whereby Porter would serve its requests in all three cases on the same date, which corresponded to the date in the proceeding No. 91163527.

Petitioner alleges that because Registrant refused to grant Petitioner's request for an extension of time, "Registrant's motion for an extension of time was actually an attempt to force Petitioner to provide its discovery responses first." However, Petitioner's stated reason for needing this extension, as set forth in an email dated February 23, 2006, from Todd Werner to the undersigned was "Unless P.I [meaning Porter International] grants a reciprocal extension it appears that P.I.'s motion for an extension is an attempt to force Yoshida to provide discovery responses before P.I., which is contrary to the established discovery schedule previously agreed upon by the parties." Though Mr. Werner calls it a "reciprocal extension," there would have been nothing reciprocal about it had Porter agreed, since Yoshida was unwilling to withdraw its objection to Porter's reasonable request. Moreover, there is no allegation that Petitioner needs the additional time to gather its documents or finalize its responses. Thus, it appears that Petitioner, seeing that Registrant needed more time to respond, sought its own extension so that it would not have to serve its responses first. One can only wonder why.

In marked contrast to the absence of good cause for needing the extension in Petitioner's motion, in Registrant's motion for extension of time filed on February 21, 2006, Registrant explained that, despite the prior cooperation between the parties, Registrant's latest request for an extension was suddenly denied. Registrant also noted that the parties had been conducting settlement negotiations since August 2005. Registrant explained that draft responses had been sent by Porter's US counsel to Porter for review and comment; that Registrant is also

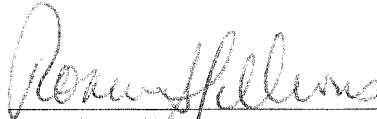
represented by Taiwanese counsel, in addition to the undersigned, and that because the individuals at Porter, being native speakers of Chinese, are not fluent in English, the Taiwanese counsel must translate Yoshida's Discovery Requests. Further, Registrant explained that it requires an extension of time to translate and review the drafts and provide its Taiwanese and US counsel with additional information to allow Registrant to provide complete and accurate responses, and permit time for Yoshida to respond to Porter's settlement proposal. Porter also explained that given its focus on and commitment to settlement efforts during the past six months, and counsel's inability to procure Porter's review of the drafts by February 21, 2006, Porter needed additional time to respond to Yoshida's voluminous Discovery Requests including thirty-nine (39) document requests, fifteen (15) interrogatories (not counting sub-parts), and one hundred and twenty-six (126) requests for admission.

Registrant denied Petitioner's request for an extension because Petitioner had not alleged a valid basis for needing the extension. If Petitioner is so interested in moving things forward, it should have timely responded to Porter's discovery requests. Instead, it caused further delay by filing this motion (which will not be decided until after this response is filed, and possibly before the period for Petitioner's reply has expired, potentially another 30 day delay), and asking for an extension itself. Petitioner is obviously only interested in pressing Registrant to respond before it has completed its responses

Petitioner has not satisfied the requirements for showing good cause for needing an extension of time. Further, in this case, denying Petitioner's motion while granting Registrant's would only serve to restore the status quo originally created by the respective dates

of service of the requests. Petitioner's motion should be denied and Petitioner should be ordered to respond to Porter's discovery requests immediately.

Respectfully submitted,



Dated: March 9, 2006

Ronni S. Jillions  
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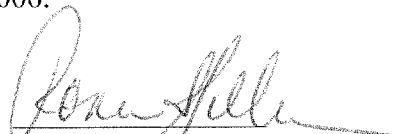
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed with the Trademark Trial and Appeal Board online, using the Electronic System for Trademark Trials and Appeals (ESTTA) on this 9th day of March 2006.

  
Ronni S. Jillions

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was delivered via e-mail, addressed to counsel for Petitioner, Alan W. Kowalchek, Esquire, Merchant & Gould P.C., 3200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402, on this 9th day of March 2006.

  
Ronni S. Jillions